

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

UNITED STATES COURTS  
SOUTHERN DISTRICT OF TEXAS  
FILED

IN RE:

RIGHT OF WAY MAINTENANCE  
EQUIPMENT COMPANY,

DEBTOR.

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Chapter 11

Case No. 09-35037

AUG 11 2009

Clerk of Court

**MOTION FOR EXPEDITED HEARING TO LIFT THE BANKRUPTCY STAY OF  
RIGHT OF WAY MAINTENANCE EQUIPMENT COMPANY**

TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW, **JIM HAY** and **VIRGIL ABKE**, Movants herein, and seek relief to lift the bankruptcy stay of **RIGHT OF WAY MAINTENANCE EQUIPMENT COMPANY** (hereinafter referred to as **ROWMEC**) and would show unto the Court as follows:

I.

On or about July 13, 2009, **ROWMEC** filed Chapter 11 bankruptcy.

II.

On August 13, 2008, suit was filed against **ROWMEC** in a case styled Jim Hay vs. Champion Rentals, Inc. Jon Daggett and Gehl Company, Cause No. 24,282, Walker County, Texas, 12<sup>th</sup> Judicial District.

On October 8, 2008, suit was filed against **ROWMEC** in a case styled Virgil Abke vs. Champion Rentals, Inc. Jon Daggett, Gehl Company, Right-of-Way Maintenance Equipment Company, Inc. and Denis Cimaf, Inc., Cause No. 08-10-09580, Montgomery County, Texas, 9<sup>th</sup> Judicial District.

III.

The remaining parties to the aforementioned State Court lawsuits, with the exception of **ROWMEC**, have agreed to attend mediation on September 17 and 18, 2009.

The mediation dates being in the near future serve as the basis of Movants' Motion for Expedited Hearing to Lift the Bankruptcy Stay of **ROWMEC**.

IV.

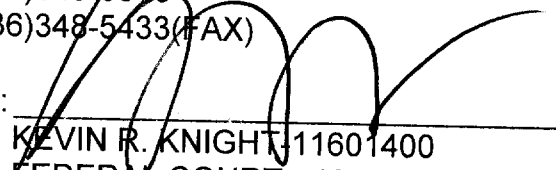
Movants hereby request an oral hearing on this matter.

WHEREFORE, PREMISES CONSIDERED, your Movants pray that their Motion for Expedited Hearing be GRANTED and for such other and further relief, both general and special, at law and in equity, to which they may show themselves justly entitled, and in duty bound will ever pray.

Respectfully submitted,

ROGER KNIGHT, JR., INC.  
ATTORNEYS AT LAW  
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(936)348-3543  
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BY:

  
\_\_\_\_\_  
KEVIN R. KNIGHT, 11601400  
FEDERAL COURT - 10885  
ATTORNEY FOR PLAINTIFF

**CERTIFICATE OF SERVICE**

I hereby certify that on this the 11 day of August, 2009, service required under these rules was made pursuant to Rule 21a.

  
\_\_\_\_\_  
KEVIN R. KNIGHT

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ORDER

On the \_\_\_\_\_ day of \_\_\_\_\_, 2009, the Court heard the Motion to Expedite the Hearing on the Movants' Motion to Lift the Bankruptcy Stay of **RIGHT OF WAY MAINTENANCE EQUIPMENT COMPANY** and hereby GRANTS the Movants' Motion for an Expedited Hearing.

It is the ORDER of this Court that the Movants' Motion will be set for an oral hearing on the \_\_\_\_ day of August, 2009, at \_\_\_\_\_.m.

\_\_\_\_\_  
JUDGE PRESIDING